

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 23, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., and D. Nolan, Deputy Clerk.

Each of the following:

B166763 GFA, Inc. v. Specialized Consulting

Argument waived, cause submitted.

B166876 Karen Emmanuel
 v.
 Karen Bruderlin

Merits:

Argued by Kathryn Albarian for respondent. No appearance by Charles Odiase for appellant. Cause submitted.

B164018 Ronald J. Begando
 v.
 Elizabeth M. Peterson et al.

Merits:

Argued by Richard M. Hoffman for appellant and by Albert P. DiRocco, Jr., for respondents. Cause submitted.

DIVISION ONE (Continued)

B167036 Dalia Nosrati
 v.
 Marlowe Associates

Merits:
Argued by Andrew J. Stern for appellant and by Steven A. Schuman for respondent. Cause submitted.

B165700 Estate of Tasi Bronca et al.
 v.
 Northridge Hospital Medical Center et al.

Merits:
Argued by Michael O'Flaherty for respondent Northridge Hospital and by Jeannette VanHorst for respondent Osman. Cause submitted.

B164041 Rosa Garcia et al.
 v.
 Francis G. D'Ambrosio et al.

Merits:
Argued by Ira Reiner for appellants and by Robert Mosier for respondents. Cause submitted.

B165313 Lawrence E. Taylor et al.
 v.
 Edward J. Kuwatch

Merits:
Argued by Jeremy B. Rosen for appellant and by Gerry Schneeweis for respondents. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B165610 Bennett (Not for Publication)
v.
Peters et al.

The judgment is affirmed. Peters is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B174203 Venstar, Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Atmel Corporation, r.p.i.)

The Court:
THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order transferring venue of Los Angeles Superior Court case No. BC306903, entitled Venstar, Inc. v. Atmel Corporation et al., to Santa Clara County, and to enter a new order, restoring the matter to the Los Angeles Superior Court active list. Venstar, Inc., is entitled to its costs of this proceedings.

Spencer, P.J. Ortega, J. Vogel (Miriam A.), J.

B170568 People (Not for Publication)
v.
Ronald Smith

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B170483 People (Not for Publication)
v.
Daniel Alonzo

The sentence and the admission of the prior conviction are vacated. The matter is remanded for further proceedings on the prior conviction allegation and resentencing. In all other respects, we affirm.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B166876 Karen Emmanuel (Not for Publication)
v.
Karen Bruderlin

The order of dismissal is affirmed. Bruderlin is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B169430 Landfill & Ecology Corp., et al. (Not for Publication)
v.
Browning-Ferris Industries of California et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

June 23, 2004 (Continued)

DIVISION TWO (Continued)

B175002 Darrin P. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is granted, the order to show cause is discharged, and the matter is remanded to the juvenile court to set aside that portion of its April 27, 2004 order setting a section 366.26 hearing with respect to termination of petitioner's parental rights. The court is directed to set for hearing the issue of whether petitioner is entitled to reunification services.

Doi Todd, J.

We concur: Boren, P.J.

Nott, J.

B174543 Stacy G. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

June 23, 2004 (Continued)

DIVISION SIX

[illegible]

We remand for resentencing, but otherwise affirm.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B167687 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B169176 Moresco (Not for Publication)
v.
Baker

We affirm the order of the trial court denying the SLAPP motion. Costs on appeal are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B171114 Kelly Temporary Services et al. (Not for Publication)

v.

Worker's Compensation Appeals Board

Shari Ringleb, Respondent

The opinion of the WCAB is annulled and the matter remanded. On remand, the WCAB shall allow credit against Kelly's workers' compensation liability in the amount it paid to satisfy EDD's lien.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

B165896 People (Not for Publication)

v.

Hoge

The judgment is modified to provide that the one-year consecutive sentence for the misdemeanor offense of resisting a peace officer (section 148, subd. (a)(1)) shall be served in the county jail. The trial court is directed to amend the abstract of judgment to omit the following language in item 11 on page 2: "Sentence in count 6(section 148, subd. (a)(1)) may be served in any state penal institution." In its place, the court shall insert the following: "Upon the completion of defendant's prison term (11 years, 4 months), the Department of Corrections shall transfer him to the county jail to serve the consecutive one-year term for the misdemeanor offense." The court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Perren, J.

June 23, 2004 (Continued)

DIVISION SIX (Continued)

B166729 People
v.
Lopez

Filed order denying petition for rehearing.

DIVISION SEVEN

B171817 People (Not for Publication)
v.
Michaels

The judgment of conviction is affirmed. Michael's sentence is vacated, and the cause remanded for a new plea or trial to determine the truth of the prior strike allegation and for resentencing.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B167042 People (Not for Publication)
v.
Intriano

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B170738 Los Angeles County, D.C.S. (Not for Publication)
v.
Gloria C.

The orders denying the petition for de facto parent status and for appointment of counsel are affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION EIGHT

B157914 De Grezia et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Blue Cross Of California, r.p.i.)

The petition is denied. In the interests of justice, the parties will bear their own costs. (See rule 56.4(a), Cal. Rules of Court.)

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B165074 Autopsy Post Services, Inc.
v.
City Of Los Angeles

Filed Court's order to dismiss appeal. Appeal (notice of appeal filed February 14, 2003) dismissed.